

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Arun Srinivas Subramanian

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Southern District of New York

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Susman Godfrey LLP
1301 Avenue of the Americas, 32nd Floor
New York, New York 10019

Residence: Brooklyn, New York

4. **Birthplace**: State year and place of birth.

1979; Pittsburgh, Pennsylvania

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2001 – 2004, Columbia Law School; J.D., 2004

1997 – 2001, Case Western Reserve University; B.A., 2001

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – present
Susman Godfrey LLP
1301 Avenue of the Americas, 32nd Floor

New York, New York 10019
Partner (2011 – present)
Associate (2007 – 2011)

2006 – 2007
Supreme Court of the United States
One First Street, Northeast
Washington, DC 20543
Law Clerk for the Honorable Ruth Bader Ginsburg

2005 – 2006
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007
Law Clerk for the Honorable Gerard E. Lynch

2004 – 2005
United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007
Law Clerk for the Honorable Dennis Jacobs

Summer 2004
Jenner & Block LLP
1099 New York Avenue, Northwest
Suite 900
Washington, DC 20001
Summer Associate

Summer 2003
Covington & Burling LLP
One CityCenter
850 Tenth Street, Northwest
Washington, DC 20001
Summer Associate

2003
Professor Katherine Franke
Columbia Law School
435 West 116th Street
New York, New York 10027
Teaching Assistant (uncompensated)

2002

United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007
Judicial Extern for the Honorable Sidney H. Stein (uncompensated)

2002
Professor Michael C. Dorf
Columbia Law School
435 West 116th Street
New York, New York 10027
Teaching Assistant (uncompensated)

Summer 2002
United States Department of Justice
Computer Crime and Intellectual Property Section
Tenth & Constitution Avenue, Northwest
John C. Keeney Building, Suite 600
Washington, DC 20530
Summer Intern (uncompensated)

Summer 2001
Camesa, Inc.
1650 Spur 529
Rosenberg, Texas 77471
Summer Intern

Summer 2001
ABB Network Management
1601 Industrial Boulevard
Sugar Land, Texas 77478
Summer Intern

Other Affiliations (Uncompensated)

2022 – present
South Asian Youth Action Saya Inc.
54-45 Seabury Street
Elmhurst, New York 11373
Director

2021 – present
Fund for Modern Courts, Inc.
387 Second Avenue
Number 608
New York, New York 10010

Director

2008 – present
Columbia Law Review Association
435 West 116th Street
New York, New York 10027
Director

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for the selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Benchmark Litigation, Litigation Star (2023)

American Bar Foundation, Fellow (2021 – present)

Litigation Counsel of America, Fellow (2021 – present)

Benchmark Litigation, Future Star (2020 – 2022)

Chambers and Partners, Chambers USA, Leading Litigator in Commercial Litigation (2020 – 2022)

Lawdragon, 500 Leading Lawyers in America (2020 – 2022)

Super Lawyers, New York (2020 – 2022)

Lawdragon, 500 Leading Plaintiff Financial Lawyers (2019 – 2022)

Benchmark Litigation, 40 and Under Hot List (2017 – 2019)

Legal 500, Legal 500 for Dispute Resolution – General Commercial Disputes (2017 – 2019)

Super Lawyers, New York, Rising Stars (2012 – 2019)

Chambers and Partners, Chambers USA, Up and Coming Lawyer, Litigation: General Commercial (2016 – 2018)

Legal Aid Society, Pro Bono Publico Award (2018)

New York Law Journal, Rising Star (2018)

Euromoney Legal Media Group, Rising Stars / Best in Bankruptcy Litigation (2018)

International Asset Management Patent 1000, Leading Patent Professional (2018)

Legal Aid Society, Recognition of Outstanding Pro Bono Service (2016)

American Antitrust Institute, Outstanding Antitrust Litigation Achievement in Private Practice, Susman Godfrey LLP (2016)

Federation of Tamil Sangams of North America, Tamil American Pioneer Award (2014)

Columbia Law School

James Kent Scholar (2003 – 2004)

Harlan Fiske Stone Scholar (2002)

Case Western Reserve University

Summa cum laude (2001)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Advisory Committee on Evidence Rules (2021 – present)

American Association of Justice

American Bar Association

American Bar Foundation

Federal Bar Council

Federal Circuit Bar Association (2014 – 2016)

Litigation Counsel of America

National Immigration Litigation Alliance (2021 – 2022)

New York County Lawyers Association

New York Intellectual Property Lawyers Association (2013 – 2016)

New York State Bar Association

South Asian Bar Association of New York

The Appellate Project, Development Committee (2021 – present)

The Columbia Law Review Association, Inc., Board of Directors (2008 – present)

The Sonia and Celina Sotomayor Judicial Internship Program, Advisory Council (2022 – present)

United States Court of Appeals for the Second Circuit, Pro Bono Panel (2013 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New York, 2008

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2015

United States Court of Appeals for the Second Circuit, 2009

United States Court of Appeals for the Third Circuit, 2018

United States Court of Appeals for the Sixth Circuit, 2020

United States Court of Appeals for the Ninth Circuit, 2018

United States Court of Appeals for the Federal Circuit, 2010

United States District Court for the Eastern District of Michigan, 2016

United States District Court for the Eastern District of New York, 2012

United States District Court for the Southern District of New York, 2008

United States District Court for the Eastern District of Texas, 2015

United States District Court for the Western District of Texas, 2020

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school.

Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

South Asian Youth Action Saya Inc.
Board of Directors (2022 – Present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, the organization listed above does not currently discriminate nor did it formerly discriminate on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

A Titan Among Us – On Dissents, Waymaking, and Strong Coffee, 121 Colum. L. Rev. 719 (2020). Copy supplied.

With Mark Musico, *Clerking For Ginsburg: How To Play The Long Game*, Law360 (Aug. 7, 2018). Copy supplied.

With Jacob W. Buchdahl and Mark Hatch-Miller, *Winning on the Road: A Recent Defense Side Victory*, Law Journal Newsletters (Dec. 2016). Copy supplied.

Will the Supreme Court Weigh in on Claim Construction Appeals?, IP Watchdog (Mar. 6, 2014). Copy supplied.

Assessing the Rights of IRU Holders in Uncertain Times, 103 Colum. L. Rev. 2094 (2003). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If

you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Cameras in the Courts: Enhancing Transparency in the New York State Judiciary, Fund for Modern Courts (May 16, 2022). Copy supplied.

Committee Report, Advisory Committee on Evidence Rules (May 15, 2022). Copy supplied.

Committee Report, Advisory Committee on Evidence Rules (Dec. 1, 2021). Copy supplied.

Committee Report, Advisory Committee on Evidence Rules (May 15, 2021). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Meeting Minutes, Advisory Committee on Evidence Rules (Nov. 5, 2021). Copy supplied.

Meeting Minutes, Advisory Committee on Evidence Rules (Apr. 30, 2021). Copy supplied.

Susman Godfrey Partners' Statement to Our Employees Regarding the Wanton Killing of George Floyd and the Ensuing Public Protests (June 2020). Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best efforts to identify the speeches or talks that I have delivered. To compile the list, I consulted my own records and internet sources. There may, however, be other speeches or talks that I have been unable to recall or identify, as I may have spoken briefly at events for which I did not retain any record.

April 7, 2022: Panelist, Judicial Clerkships, Columbia Law School, New York, New York. The panel was on judicial clerkships. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

February 17, 2022: Panelist, Judicial Clerkships, South Asian Bar Association of New York (Virtual Appearance). The panel was on judicial clerkships. I have no notes, transcript, or recording. The address for the South Asian Bar Association of New York is P.O. Box 841, New York, New York 10163.

October 7, 2020: Panelist, Honoring Justice Ruth Bader Ginsburg and her Legacy, South Asian Bar Association of North America (Virtual Appearance). Video available at <https://www.youtube.com/watch?v=QHhFIYgNdpg>.

February 4, 2019: Speaker, Post-Argument Discussion, University of Connecticut School of Law, Hartford, Connecticut. The discussion was on oral argument preparation. I have no notes, transcript, or recording, but press coverage is supplied. The address for the University of Connecticut School of Law is 55 Elizabeth Street, Hartford, Connecticut 06105.

May 23, 2018: Panelist, Litigation and Discovery Strategies for Relators in Declined FCA Cases, American Conference Institute, New York, New York. Draft presentation supplied.

November 9, 2017: Panelist, Judicial Clerkships, Columbia Law School, New York, New York. The panel was on judicial clerkships. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

September 7, 2016: Panelist, Judicial Clerkships, Columbia Law School, New York, New York. The panel was on judicial clerkships. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

March 26, 2016: Panelist, Judicial Clerkships, North American South Asian Law Students Association, New York, New York. The panel was on judicial clerkships. I have no notes, transcript, or recording. The address for the North American South Asian Law Students Association is P.O. Box 653, Rodeo, California 94572.

September 1, 2015: Panelist, Judicial Clerkships, Columbia Law School, New York, New York. The panel was on judicial clerkships. I have no notes, transcript, or recording. The address for the Columbia Law Review is 435 West 116th Street, New York, New York 10027

July 23, 2014: Acceptance speech for Tamil Pioneer Award, Federation of Tamil Sangams of North America, Saint Louis, Missouri. Video available at <https://www.youtube.com/watch?v=bJvC0Rwwai4>.

April 7, 2010: Panelist, Judicial Clerkships, Asian American Bar Association of New York, New York, New York. The panel was on judicial clerkships. I have no notes, transcript, or recording. The address for the Asian American Bar Association of New York is 45 Rockefeller Plaza, 20th Floor, New York, New York 10111.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Natasha Mascarenhas, *Avi Dorfman's legal battle to be named founding member of Compass has ended in a settlement*, Tech Crunch (Nov. 16, 2021). Copy supplied.

David Thomas, *Susman Godfrey, Dechert square off in case against online porn giant*, Reuters (Sept. 8, 2021). Copy supplied.

Ross Todd, *Susman's Sex-Trafficking Suit Against Pornhub Headed for Discovery*, The American Lawyer (Sept. 8, 2021). Copy supplied.

Mike Curley, *Section 230 Won't Shield Pornhub From Child Porn Suit*, Law360 (Sept. 7, 2021). Copy supplied.

Priscilla DeGregory, *Judge denies majority of Pornhub's bid to toss child porn suit*, N.Y. Post (Sept. 7, 2021). Copy supplied.

Press Release, *Apria Healthcare Group to Pay \$40.5 Million to Settle Claims Brought by Susman Godfrey Whistleblower Clients*, Impact Financial News (Dec. 26, 2020). Copy supplied.

Press Release, *Susman Godfrey Scores Pro Bono Win on Behalf of New York University*, Impact Financial News (Apr. 4, 2020). Copy supplied.

Judge Green-Lights Claims Stemming From Launch of NY Real Estate Brokerage, N.Y.L.J. (Oct. 2, 2019). Copy supplied.

Tom McParland, *2nd Circuit Revives Seth Rich's Parents Suit Against Fox News*, Miami Daily Business Review (Sept. 17, 2019). Copy supplied.

E.B. Solomont, *Avi Dorfman, who calls himself a Compass co-founder, sues for \$200M stake*, The Real Deal (Nov. 26, 2018). Copy supplied.

Staci Zaretsky, *Justice Ruth Bader Ginsburg Refers to Her Clerks' Babies as Her 'Grandclerks'*, Above the Law (Aug. 7, 2018). Copy supplied.

Andrew Chung, *Federal Circuit revives Web filtering patent in case against AT&T*, Reuters Legal (June 28, 2016). Copy supplied.

Press Release, *Lightning Strikes Twice: Susman Godfrey Scores Victory for Brokers in FINRA Dispute with Barclays*, Susman Godfrey LLP website (Feb. 19, 2015). Copy supplied.

Lawyers Weigh In on SEC's Record Whistleblower Award, Law360 (Sept. 22, 2014). Copy supplied.

Arun Subramanian Gets Tamil American Pioneer Award, India Herald (July 23, 2014). Copy supplied.

Attorneys React to High Court's Stanford Decision, Law360 (Feb. 26, 2014). Copy supplied.

Press Release, *Susman Godfrey LLP Wins Precedent-Setting Arbitration Against Morgan Stanley*, Investment Weekly News (Mar. 16, 2013). Copy supplied.

Mark Hamblett, *Circuit Finds Right to Sue to Enforce Custody Treaty*, N.Y.L.J. (Feb. 21, 2013). Copy supplied.

Christine Simmons, *Litigator Juggles Pro Bono Representation of Inmate With Needs of Start-Up Practice*, Texas Lawyer (Feb. 21, 2013). Copy supplied.

James O'Toole, *Lawsuits against banks loom in Libor scandal*, CNN Money (July 5, 2012). Copy supplied.

Alison Frankel, *Bank filing: Silly plaintiffs, we didn't conspire to manipulate Libor*, Nat'l Legal News from Reuters (Jul. 3, 2012). Copy supplied.

Maureen Farrell, *Barclays not alone in rate-fixing scandal*, CNNMoney.com (Jul. 3, 2012). Copy supplied.

James O'Toole, *Big banks at center of interest rate probe*, CNN Money (March 11, 2012). Copy supplied.

Arun Subramanian chosen for Clerkship at US Supreme Court, India Herald (2006). Copy supplied.

Seshadri Kumar, *Sugar Land man aids Supreme Court justice / Clements grad to work as clerk for 2006-07 term*, Houston Chronicle (Aug. 10, 2006). Copy

supplied.

Angie Piscatelli, *Campus Confidential*, Cleveland Scene (Aug. 26, 1999). Copy supplied.

Scott Lieberman, *WRUW*, The Observer (Apr. 10, 1998). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

- i. Of these cases, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

- ii. Of these cases, approximately what percent were:

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was

affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public offices nor have I had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held any membership or office in any political party or election committee.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2006 to 2007, I served as a law clerk to the Honorable Ruth Bader Ginsburg of the United States Supreme Court.

From 2005 to 2006, I served as a law clerk to the Honorable Gerard E. Lynch of the United States District Court for the Southern District of New York.

From 2004 to 2005, I served as a law clerk to the Honorable Dennis Jacobs of the United States Court of Appeals for the Second Circuit.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

Summer 2004
Jenner & Block LLP
1099 New York Avenue, Northwest
Suite 900
Washington, DC 20001
Summer Associate

2007 – present

Susman Godfrey LLP
1301 Avenue of the Americas, 32nd Floor
New York, New York 10019
Partner (2011 – present)
Associate (2007 – 2011)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

After completing my clerkships at the Southern District of New York, the United States Court of Appeals for the Second Circuit, and the Supreme Court of the United States, I joined Susman Godfrey LLP (Susman Godfrey) as the first litigation associate hired in the firm's New York office. I have been a partner at Susman Godfrey since 2011 and am presently a member of the firm's executive committee.

During my tenure at Susman Godfrey I have maintained a diverse litigation practice representing both plaintiffs and defendants in complex civil litigation. My practice has covered a wide variety of practice areas, including cases arising under state and federal false claims acts, commercial and employment contract disputes, shareholder and founder litigation, tort actions, cases arising under the securities laws, federal and state antitrust cases, fraud actions, patent and trade secret litigation, class action litigation, and cases arising under federal anti-sex trafficking legislation. I have also devoted a substantial amount of time to pro bono work. I have been directly engaged in every aspect of civil litigation, including the investigation and evaluation of potential cases; the drafting of pleadings; the conduct of fact and expert discovery, including taking and defending a substantial number of depositions of expert and fact witnesses; the briefing and argument of numerous civil motions including case dispositive motions to dismiss, summary judgment, and motions for judgment as a matter of law; trials, arbitrations and evidentiary hearings; and appeals. I have been involved in jurisdictional briefing at the Supreme Court of the United States in three cases and merits briefing on behalf of amici curiae in one case.

In addition, in my role as a partner and member of Susman Godfrey's

executive committee, I frequently play a supervisory role for other attorneys on cases, providing mentoring to junior attorneys on all aspects of litigation practice, and have helped coordinate the firm's pro bono activities.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My clients include individuals as well as corporate plaintiffs and defendants. My specialization is in complex civil litigation at both the trial and appellate level.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The entirety of my practice has been in litigation. I estimate that 60 percent of my practice has been in federal court and that the remaining 40 percent of my practice has been in state court or in arbitral proceedings. I generally appear in courts throughout the country several times per year; my practice has not been concentrated in any particular jurisdiction.

- i. Indicate the percentage of your practice in:

1. federal courts:	60%
2. state courts of record:	30%
3. other courts:	0%
4. administrative agencies:	10%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	100%
2. criminal proceedings:	0%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have participated in four trials that proceeded to verdict or decision (two jury trials in the Eastern District of Texas, a bench trial in the Southern District of New York, and a bench trial in the commercial division of the New York Supreme Court), a preliminary injunction evidentiary hearing in Arizona state court, and seven arbitrations. I was chief or co-chief counsel in three of those proceedings (two trials and one arbitration) and co-counsel in the other cases. I have argued nine state or federal appeals (Second Circuit, Federal Circuit, New York Supreme Court, First Department) and participated in briefing several other appeals, and have conducted numerous arguments in state and federal trial court.

- i. What percentage of these trials were:
 1. jury: 50%
 2. non-jury: 50%
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have participated as counsel for parties or amici at the certiorari stage in three cases before the Supreme Court of the United States, and in one case on the merits for amici curiae.

Jurisdictional Briefing

Faculty, Alumni, and Students Opposed to Racial Preferences v. New York University, No. 21-1046, Brief in Opposition to Certiorari, 2022 WL 1489432 (U.S. May 6, 2022).

Nat'l Football League et al. v. Ninth Inning, Inc. et al., No. 19-1098, Brief in Opposition to Certiorari, 2020 WL 4038907 (U.S. July 14, 2020).

Gelboim v. Credit Suisse Group AG et al., No. 13-1174, Brief of Mayor and City Council of Baltimore et al. as *Amici Curiae* in Support of Petitioners, 2014 WL 1691108 (U.S. Apr. 25, 2014).

Merits

Gelboim v. Credit Suisse Group AG et al., No. 13-1174, Brief of Mayor and City Council of Baltimore et al. as *Amici Curiae* in Support of Petitioners, 2014 WL 4417782 (U.S. Sept. 5, 2014).

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
 - a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of

principal counsel for each of the other parties.

1. *BML Properties Ltd. v. China Construction America, Inc.*, Index. No. 657550/2017 (N.Y. Sup. Ct.)

From 2020 to the present, I have represented with co-counsel the plaintiff in this commercial contract and fraud action pending in New York Supreme Court (Borrok, J.). My client BML Properties Limited is the former majority owner of Baha Mar Limited, the original developer of the multi-billion dollar Baha Mar resort in the Bahamas. The case involves claims of breach of contract, fraud, and unjust enrichment against the defendants, affiliates of a construction conglomerate that managed construction of the Baha Mar resort, and the defense of counterclaims filed by one of those defendants. The complaint involves allegations that the construction manager on the Baha Mar resort project breached its obligations to and defrauded the resort's original owner, leading to significant project delays and cost overruns, and the ultimate liquidation, receivership, and transfer of the project to new ownership, and the complaint pleads damages in excess of \$1 billion. I have supervised attorneys working on the case in all phases of the litigation, including the drafting of pleadings, the conduct of extensive fact and expert discovery, and the preparation of motions and responses to motions. I have prepared my client's witnesses for deposition and presented our client's corporate representative for deposition, and have taken the depositions of the defendants' corporate representative and their three primary trial witnesses. The parties have filed certifications of trial readiness and motions for summary judgment will be briefed this year in view of trial in 2023.

Co-Counsel

Mark C. Zauderer
Ganfer Shore Leeds & Zauderer LLP
360 Lexington Avenue
New York, NY 10017
(212) 412-9562

Counsel for Defendants

Sean L. McGrane
Squire Patton Boggs LLP
1211 Avenue of the Americas, 26th Floor
New York, NY 10036
(212) 872-9805

2. *Insignia Systems, Inc. v. News America Marketing In Store Services LLC et al.*, No. 19-cv-1820 (D. Minn.)

From 2019 to 2022, I served as lead counsel for plaintiff Insignia Systems, Inc. in a federal and state antitrust action arising under the Sherman Act, 15 U.S.C. §§1-2, the Minnesota Antitrust Act, and Minnesota tort law. The complaint alleged that News America Marketing In Store Services LLC and its affiliates (NAM) promoted an illegal monopoly in the market for in-store promotions for consumer packaged goods. The

complaint alleged that NAM's conduct had substantially injured the business of Insignia, a Minnesota provider of in-store promotions. NAM opposed Insignia's claims of a violation and also filed a counterclaim alleging that Insignia had breached the terms of a prior settlement agreement reached between the parties more than a decade ago. I supervised attorneys in all facets of the case, briefed motions to dismiss, motions to compel discovery, *Daubert* motions regarding the admissibility of expert testimony, and motions for summary judgment. I prepared witnesses for deposition, deposed all NAM Rule 30(b)(6) corporate representatives, and briefed and argued motions to dismiss and to compel discovery before the court. I also led settlement negotiations for Insignia before retired federal judge James M. Rosenbaum. While summary judgment and *Daubert* motions were pending decision in early 2022, the parties to the case entered into a settlement agreement, which Insignia Systems reported publicly included a \$20 million payment from the defendants to Insignia.

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3. *State of California et al. ex rel. OntheGo Wireless, LLC v. Cellco Partnership et al.*, No. 34-2012-00127517 (Cal. Sup. Ct. 2020), and *State of Nevada ex rel. OntheGo Wireless, LLC*, Civ. 12-3093 (Nev. 2d. Jud. Ct. 2020)

From 2017 to 2020, I represented, with co-counsel, the relator as well as numerous intervenor public entities, including the Regents of the University of California, Sacramento, Los Angeles County, Marin County, Orange County, Riverside County, and others in breach of contract and *qui tam* actions arising under state false claims act provisions. The cases were asserted against providers of government mobile phone services, and the complaints alleged that the providers for years intentionally failed to provide contractually-agreed pricing to the government, resulting in significant overcharges. The cases raised novel questions of the interpretation and application of widely-used government contracts, as well as the intersection between state false claims acts and contract law. I supervised attorneys on the cases, participated in the conduct of fact and expert discovery, collaborated with attorneys from the California attorney general's office, briefed discovery motions, prepared witnesses for deposition, deposed corporate representatives from defendant AT&T, and was involved in the negotiation and

resolution of the cases prior to the court's adjudication of summary judgment. In 2020, the case reached a final settlement, with payments from certain of the defendants publicly reported as totaling \$127 million.

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4. *Mittal v. ITG Inc.*, No. 18-02692 (FINRA Oct. 24, 2019)

From 2018 to 2019, I represented with attorneys at my firm the individual claimant in an arbitral proceeding filed before the Financial Industry Regulatory Authority. The claimant, a former employee of the respondent, alleged that the respondent had breached the parties' separation agreement, and in particular its prohibitions on disparagement, in connection with its conduct in an investigation commenced by the Securities and Exchange Commission, and that the respondent had intentionally interfered with the claimant's business relationships, causing him to suffer substantial damages. I participated in the drafting of pleadings, the conduct of discovery, I deposed the respondent's former chief executive officer, and during the arbitration hearing before a three-arbitrator panel, I presented the claimant's expert witness on securities issues, cross examined a principal fact witness for the respondent as well as the respondent's expert

witness on industry practice, and argued and prevailed in response to a motion for dismissal filed by the respondent. The panel of arbitrators issued a decision for the claimant on his claim for breach of contract in the amount of several million dollars.

Counsel for Respondent

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5. *Flexuspine, Inc. v. Globus Medical Inc.*, No. 15-00201 (E.D. Tex.)

From 2015 to 2018, I represented with co-counsel the defendant, Pennsylvania-based spinal implant manufacturer Globus Medical Inc., in a patent infringement action filed in the United States District Court for the Eastern District of Texas (Gilstrap, J.) (Mitchell, M.J.). The plaintiff was Flexuspine, a company that was assigned the rights to certain patents, and which filed suit against Globus, arguing that the company's Caliber and Altera expandable spinal implants infringed Flexuspine's patents. After extensive motions practice and discovery, the case was tried to a jury in 2017, where my client Globus Medical obtained a verdict of no-infringement as to the asserted patents. The jury's verdict on infringement was upheld on appeal in 2018 before the United States Court of Appeals for the Federal Circuit. I participated in the drafting of pleadings in the case, extensive fact and expert discovery, the briefing and argument of claim construction before the court, and the briefing and argument of summary judgment. I took and defended key corporate representative depositions in the case, and at trial I presented the defendant's summary of the case to the venire panel, conducted the direct examination of the defendant's expert on damages, cross-examined one of the plaintiff's executives, cross-examined the plaintiff's expert on damages, and participated in the argument of pre-trial motions and motions for judgment as a matter of law. Flexuspine appealed the grant of summary judgment on one of the patents in the case, and Globus Medical cross-appealed the District Court's instruction to the jury to disregard the questions of invalidity of the asserted patents if they found no infringement. I briefed and argued the appeal before the Federal Circuit (Prost, C.J., Cleverger, Dyk, JJ.), which affirmed the District Court's rulings in all respects, 879 F.3d 1369 (2018), and the case concluded with no recovery by the plaintiff.

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6. *Dorfman v. Reffkin*, No. 652269/14 (N.Y. Sup. Ct.)

From 2015 to 2021, I represented, with co-counsel, plaintiffs Avi Dorfman and Rentjolt LLC in a quantum meruit, unjust enrichment, and contract action against the real estate brokerage Compass Inc., formerly known as Urban Compass, Inc. (Compass) and its founder Robert Reffkin. The complaint principally alleged that plaintiff Dorfman, who founded Rentjolt LLC, had provided services and information based on Mr. Dorfman's experience in the real estate market to the defendants, which contributed to the founding and success of Compass. The case involved several novel questions of New York law, including the application of New York's statute of frauds to cases involving disputes over the founding of enterprises, as well as the appropriate form of relief in quantum meruit and unjust enrichment actions arising in the start-up context. I was directly involved in all phases of the case after Susman Godfrey LLP joined the representation of the plaintiffs, including document and expert discovery, preparing fact and expert witnesses for their depositions, taking the deposition of defendant Reffkin, and briefing numerous motions in the case. I briefed and argued the defendants' summary judgment motions seeking dismissal of my clients' case, and the New York Supreme Court (Masley, J.) denied the motion in full. The defendants appealed to the First Department, and I briefed and argued the appeal. After argument, a panel of the First Department in 2020 denied the defendants' motion as to Dorfman's claims of quantum meruit and unjust enrichment, while granting the motion as to the breach of contract claim asserted by plaintiff Rentjolt. 180 A.D. 3d 567 (1st Dep't 2020). After conclusion of the appeal, I was directly involved the preparation of the case for trial, and I represented my client in the mediation of the case. The case reached a final settlement in 2021. Compass publicly acknowledged Dorfman as a member of the founding team of Compass, and in securities filings Compass announced a legal charge of \$21 million in connection with the litigation.

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7. *Harris v. Miller*, 818 F.3d 49 (2d Cir. 2016) and 11-cv-6260 (S.D.N.Y.)

In 2015, I was appointed by the United States Court of Appeals for the Second Circuit to represent the pro se appellant in this case, who alleged that her constitutional rights under the Fourth and Eighth Amendments of the United States Constitution were violated when she was subjected to a body cavity and strip search involving at least one male corrections officer, while in the custody of New York Department of Corrections officials, and that she was entitled to damages under 42 U.S.C. § 1983 for the intentional deprivation of her constitutional rights. Prior to my appointment, the District Court (McMahon, J.) had granted summary judgment to the defendants, finding no genuine issue of material fact concerning the constitutional claims asserted by the plaintiff. I served as chief counsel and briefed and argued the appeal before a panel of the Second Circuit (Katzmann, KeARSE, JJ., Schofield, D.J.). In a published per curiam decision, the panel unanimously vacated the District Court's granting of the defendants' motions for summary judgment as to my client's Fourth Amendment and Eighth Amendment claims pertaining to the search, finding that disputes of material fact precluded summary judgment. I continued my pro bono representation of the plaintiff before the District Court on remand, conducting discovery and the preparation of the case for trial, including depositions of the corrections officials involved in the search, expert discovery, and the briefing of motions in limine. Before trial, I handled a mediation with the defendants before Magistrate Judge James L. Cott, and in 2017 the case was settled for a payment of \$75,000 from the defendants.

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8. *In re LIBOR Financial Instruments Antitrust Litigation*, No. 11-2262 (S.D.N.Y.)

From 2011 to the present, I have represented, with co-counsel, a class of entities that purchased from several banking institutions financial instruments based on the London Interbank Offered Rate (LIBOR), which served as the benchmark for hundreds of trillions of dollars in financial instruments worldwide. These entities include the City of

Baltimore, Yale University, and other institutional parties. The complaints in this multi-district proceeding were consolidated in the United States District Court for the Southern District of New York (Buchwald, J.), and they alleged that the defendants, banks that previously served on the panel that set the LIBOR benchmark through a process supervised by the British Bankers Association, conspired with respect to the setting of the LIBOR benchmark in violation of the Sherman Act, 15 U.S.C. § 1 and state antitrust laws, and that the banks also violated the terms of contracts engaged in with the plaintiff class members. I was directly involved in the investigation of the case, the drafting of pleadings, all significant motions filed in the district court (Buchwald, J.) relating to the over-the-counter (OTC) class, and the argument of defendants' motions to dismiss. I supervised attorneys in the conduct of discovery and class certification motion practice, as well as participated in the negotiation and finalization of \$590 million in settlements with certain of the defendant banks. I was also involved in briefing at the United States Court of Appeals for the Second Circuit and the Supreme Court of the United States in connection with procedural issues concerning the right of a plaintiff to appeal the dismissal of a single case within a multi-district proceeding, as well as appeals to the Second Circuit in connection with the district court's dismissal of the plaintiffs' complaints on antitrust standing and personal jurisdiction grounds. The dismissal of the plaintiffs' complaints was reversed in material part on appeal. The case is now proceeding in discovery in view of further class certification and summary judgment practice with respect to the non-settling bank defendants in the case.

Co-Counsel:

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9. *United States ex rel. Kester v. Novartis Pharmaceuticals Corp.*, No. 1:11-cv-8196 (S.D.N.Y.)

From 2014 to 2016, I represented with co-counsel the relator in this case filed against Novartis Pharmaceuticals Corp. and certain specialty pharmacies. The complaint was filed in the United States District Court for the Southern District of New York (McMahon, J.) and alleged that Novartis and the defendant specialty pharmacies had engaged in conduct that violated the federal anti-kickback statute, 42 U.S.C. § 1320a-7b, the federal False Claims Act, 31 U.S.C. § 3729, and analogous state false claims act provisions, through incentive payments made to the pharmacies to increase sales of refill

prescriptions of certain high-cost medications—including Exjade, used in connection with transfusions, and Myfortic, a drug used in connection with organ transplants—that would be paid for by Medicare and Medicaid. The case involved novel questions concerning the application of false claims act provisions and kickback allegations in the context of specialty pharmacies and efforts to promote patient refilling of prescriptions. I participated in the drafting and amending of the pleadings, the briefing of multiple motions to dismiss, and participated in the conduct of fact and expert discovery, including depositions of key defendant witnesses. I collaborated with attorneys from the United States Attorney’s Office for the Southern District of New York, and attorneys representing the intervening states, in the coordination of discovery, the preparation of expert reports, and mediation and settlement negotiations. The case reached a settlement before trial, with Novartis and certain of the defendant pharmacies paying over \$450 million to the state and federal government plaintiffs.

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10. *Assured Guaranty Municipal Corp. v. Flagstar Bank*, No. 11-2375 (S.D.N.Y.)

From 2011 to 2013, I represented with attorneys at Susman Godfrey LLP the plaintiff in the case, Assured Guaranty Municipal Corporation (Assured Guaranty). The complaint, filed in 2011 in the Southern District of New York (Rakoff, J.) alleged that Flagstar Bank, FSB and its affiliates (Flagstar) had breached representations and warranties in connection with residential-backed mortgage securities that were issued by Flagstar Bank and insured by Assured Guaranty. The case was one of the first to resolve procedural and substantive questions concerning residential mortgage-backed securities litigation, including the use of sampling techniques as a means for assessing liability and damages. I supervised attorneys in all phases of the litigation, and I was directly involved in the drafting of pleadings, the conduct of fact and expert discovery, including the briefing and argument of discovery motions before the District Court, the briefing of motions to dismiss and for summary judgment, and the bench trial in the case before Judge Rakoff, including the presentation of Assured Guaranty's principal fact witness, and the cross-examination of one of Flagstar's expert witnesses. The trial concluded with the court issuing a decision in favor of Assured Guaranty on its claims of breach of contract in the amount of approximately \$90 million plus contractual interest and attorneys' fees. The case settled prior to resolution of the appeal filed by Flagstar, with the parties announcing publicly that Flagstar would pay \$105 million and agree to reimburse Assured Guaranty on future claims for reimbursement.

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Daniel Patrick Moynihan
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18. **Legal Activities:** Describe the most significant legal activities you have pursued,

including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s).

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to these litigated matters, I have been actively involved in dozens of cases in state and federal court, and in arbitral proceedings, that have been resolved prior to trial. Those cases have covered a wide variety of practice areas, including cases arising under state and federal false claims acts, commercial and employment contract disputes, shareholder and founder litigation, tort actions, cases arising under the securities laws, federal and state antitrust cases, fraud actions, patent and trade secret litigation, class action litigation, and cases arising under federal anti-sex trafficking legislation. In the area of false claims act litigation, I have worked collaboratively with government attorneys investigating fraud, including several matters involving kickback violations and fraud against the Medicare and Medicaid systems.

I have also played an active role in the management of Susman Godfrey. I have served on the firm's executive committee, which oversees all aspects of the firm's business, from 2016-2017, and from 2019 to the present. In 2021, I proposed the formation of Susman Godfrey's first pro bono committee and am the current chair of that committee, helping to coordinate the firm's pro bono activities. I frequently play a supervisory role for other attorneys on cases, providing mentoring to junior attorneys on all aspects of legal practice.

Outside of Susman Godfrey LLP, I have since 2008 served as a director of the Columbia Law Review Association, the non-profit entity responsible for publication of the *Columbia Law Review*. In this role I have participated in decisions concerning management of the *Review*, decisions to promote the *Review*'s mission of promoting legal scholarship, and management of the finances of the *Review* to ensure its continued vitality. In addition, in 2021, I was appointed by the Chief Justice of the United States to serve as a member of the Advisory Committee on Evidence Rules. The committee receives suggestions concerning proposed amendments to the Federal Rules of Evidence, considers and proposes amendments to the rules, reviews public comments concerning those proposals, and makes recommendations concerning proposed amendments for consideration by the Standing Committee on Rules of Practice and Procedure and ultimately the Judicial Conference and Supreme Court of the United States. In the past year, the committee has proposed amendments that have been approved by the Standing Committee concerning the rule of completeness (Fed. R. Evid. 106), exclusion of witnesses from the courtroom (Fed. R. Evid. 615), and the admissibility of expert testimony (Fed. R. Evid. 702). The committee has reviewed and proposed amendments to a number of other rules of evidence.

I have not registered as a lobbyist or been engaged in any lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Upon withdrawal from the partnership of Susman Godfrey LLP, my capital contributions and any accrued partnership distribution would be paid.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will recuse in any litigation in which I have ever played a role. For a period of time, I also anticipate recusing in all cases where my current employer, Susman Godfrey LLP, is or represents a party. I will evaluate any other

real or potential conflict, as well as any relationship that could give rise to the appearance of such a conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including by recusing where necessary or appropriate.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I am the current chair of the pro bono committee at Susman Godfrey LLP, and during my career at the firm I have represented parties on a pro bono basis in a number of cases, and have spent hundreds of hours of time on pro bono work. These include briefing and arguing appeals as court-appointed counsel in two Second Circuit appeals; representing an individual in an immigration proceeding to obtain relief from removal; being appointed by the court to represent a pro se plaintiff in litigating claims arising under 42 U.S.C. § 1983 in the Southern District of New York, including briefing, discovery, and the taking of depositions; the defense of two university systems, including in jurisdictional briefing before the Supreme Court of the United States; overseeing the representation of indigent individuals in litigation in coordination with the Legal Aid Society; overseeing the representation of a petitioner advancing a claim to improve his discharge status before the Naval Discharge Review Board; and overseeing the representation of parties and amici before the Second Circuit, Sixth Circuit, and the Supreme Court of the United States. I have also assisted on a pro bono basis attorneys outside of Susman Godfrey in preparing for oral argument before the Second Circuit and the Supreme Court of the United States.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of

Investigation personnel concerning your nomination.

On October 30, 2020, I submitted an application to the judicial screening committee for Senator Charles Schumer. On March 24, 2021, I interviewed with Senator Schumer's screening committee. On May 27, 2022, I interviewed with Senator Schumer. On June 10, 2022, the White House Counsel's Office informed me that Senator Schumer had recommended me as a potential candidate for nomination. On June 13, 2022, I interviewed with attorneys from the White House Counsel's Office, who informed me on June 15, 2022, that I would be moving forward in the selection process. Since then, I have been in contact with attorneys from the Office of Legal Policy. On September 6, 2022, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.